

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ARMONI MASUD JOHNSON,

Plaintiff,

v.

BLUE SHIRT DAVIS, *et al.*,

Defendants.

No. 3:23-CV-00762

(Chief Judge Brann)

(Magistrate Judge Carlson)

ORDER

DECEMBER 29, 2023

Armoni Masud Johnson filed this civil rights complaint alleging that several individuals violated his civil rights by retaliating against him.¹ In September 2023, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court grant in part Defendants' motion to dismiss the complaint.² Magistrate Judge Carlson reached this recommendation after determining that Johnson had stated a claim of retaliation against one defendant, but failed to so do against the other defendants, and failed to adequately allege the existence of a conspiracy.³ After receiving an extension of time, Johnson filed what the Court construes as timely objections to the Report and Recommendation.⁴

¹ Doc. 1.

² Doc. 11.

³ *Id.*

⁴ *See* Docs. 12-15.

“If a party objects timely to a magistrate judge’s report and recommendation, the district court must ‘make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’”⁵ Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge’s findings or recommendations.⁶ After reviewing the record, the Court finds no error in Magistrate Judge Carlson’s recommendation that that Johnson’s complaint should be dismissed in part. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson’s Report and Recommendation (Doc. 11) is **ADOPTED**;
2. Defendants’ motion to dismiss (Doc. 5) is **GRANTED** in part. Johnson’s conspiracy claim is **DISMISSED**, while his retaliation claim is **DISMISSED** as against all defendants except for Blue Shirt Davis; and
3. This matter is **REMANDED** to Magistrate Judge Carlson for further proceedings.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge

⁵ *Equal Emp’t Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

⁶ 28 U.S.C. § 636(b)(1); Local Rule 72.31.